



**Eitan D. Blanc**  
Member PA & NJ BAR  
Direct Dial-267-765-7341  
Fax – 267-765-9689  
edblanc@zarwin.com

January 6, 2020

**Via ECF**

Honorable James B. Clark III, U.S.M.J.  
United States District Court  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07101

**Re: DVL, Inc. and DVL Kearny Holdings, LLC v. Congoleum Corporation and  
Bath Iron Works Corporation; U.S. District Court, District of New Jersey,  
No. 2:17-cv-04261-KM-JBC**

Dear Judge Clark:

This letter is to provide the Court with an update on this matter. On January 4, 2021, Judge Kaplan entered the enclosed order granting the motion of DVL, Inc. and DVL Kearny Holdings, LLC (“DVL”), and vacating the automatic stay so that the above-referenced action can proceed against all parties. DVL respectfully requests that the Court set a status conference to address scheduling so the case can proceed expeditiously. Once the Court schedules a status conference, we suggest the parties meet and confer to attempt to reach an agreed upon proposed scheduling order prior to the conference.

We appreciate Your Honor’s attention to this matter. We are of course available to discuss this at the Court’s convenience.

Respectfully,

/s/ Eitan D. Blanc  
Eitan D. Blanc

EDB  
Enclosure  
CC: All counsel of record (via ECF)



Order Filed on January 4, 2021  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Eitan D. Blanc, Esquire  
Anthony R. Twardowski Esquire (*admitted Pro Hac Vice*)  
Earl M. Forte, Esquire (*admitted Pro Hac Vice*)  
**Zarwin Baum DeVito Kaplan Schaer Toddy, P.C.**  
2005 Market Street, 16<sup>th</sup> Floor  
Philadelphia, PA 19103  
215-569-2800  
edblanc@zarwin.com  
artwardowski@zarwin.com  
emforte@zarwin.com

*Counsel for DVL, Inc. and DVL Kearny Holdings, LLC*

In Re:  
CONGOLEUM CORPORATION,

Debtor.1

Chapter 11

Case No. 20-18488 (MBK)

Hearing Date: November 5, 2020 at  
10:00 A.M.

Recommended Local Form

☐ Followed

☒ Modified

**ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY  
PURSUANT TO SECTION 362 OF THE BANKRUPTCY CODE**

The relief set forth on the following page 2 is hereby **ORDERED**.

DATED: January 4, 2021

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A handwritten signature in black ink, appearing to read "Michael B. Kaplan".  
Honorable Michael B. Kaplan  
United States Bankruptcy Judge

Upon the motion of DVL, Inc. and DVL Kearny Holdings, LLC, under Bankruptcy Code section 362(d) for relief from the automatic stay as hereinafter set forth, and for cause shown, it is

ORDERED that the automatic stay is vacated to permit the movant to resume and prosecute to conclusion the matter of *DVL, Inc. and DVL Kearny Holdings, LLC v Congoleum Corporation and Bath Iron Works Corporation*, Case No. 2:17-cv-04261-KM-JBC (the “District Court Action”), which is currently pending in the United States District Court for the District of New Jersey.

It is further ORDERED that the movant may join the debtor and any trustee appointed in this case as defendants in its action(s) irrespective of any conversion to any other chapter of the Bankruptcy Code.

The movant shall serve this order on the debtor, any trustee and any other party who entered an appearance on the motion.